

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310

**DEFENDANT COMMSCOPE’S FINAL INVALIDITY THEORIES, PRIOR ART
REFERENCES, AND EQUITABLE DEFENSES**

Defendants CommScope Holding Company, Inc., CommScope, Inc., Arris US Holdings, Inc., Arris Solutions, Inc., Arris Technology, Inc., and Arris Enterprises, LLC (“CommScope”) hereby provide notice of its “final invalidity theories, final prior art references/combinations, and final equitable defenses,” as ordered by the Court’s Fifth Amended Docket Control Order (Dkt. No. 458). This final election replaces the Final Election of Prior Art CommScope provided pursuant to the Court’s Order dated November 4, 2022 (Dkt. No. 307).

Pursuant to the Court’s Fifth Amended Docket Control Order, CommScope hereby elects the following invalidity theories for trial in light of the current record and the Court’s orders on the conduct of trial:

- Asserted claim 36 of U.S. Patent No. 7,570,686 is invalid as obvious over ITU-T Temporary Document FI-071 (“FI-071”) in combination with ITU-T Recommendation G.992.1 (“G.992.1”).
- Asserted claim 5 of U.S. Patent No. 8,276,048 is invalid as obvious over U.S. Patent No. 7,267,208 (“Mazzoni”) in view of ITU-T Standard G.993.1 (“G.993.1”) and/or Mazzoni in view of ITU-T Contribution LB-031 (“LB-031”).
- Asserted claim 14 of U.S. Patent No. 8,090,008 is invalid as anticipated and/or obvious over U.S. Patent No. 6,657,949 (“Jones”).
- Asserted claim 10 of U.S. Patent No. 8,462,835 is invalid as anticipated by G.992.1 and/or obvious over G.992.1 in view of ITU-T SG15/Q4 Contribution SC-060 (“SC-060”).

Dated this 10th day of March, 2023

Respectfully submitted,

By: /s/ Ross R. Barton

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on March 10, 2023 to all counsel of record via electronic mail.

/s/ Ross R. Barton

Ross R. Barton